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Proposed programme budget for the biennium 2018–2019

Revised estimates relating to the Office of the Victims' Rights Advocate under section 1, Overall policymaking, direction and coordination, section 29B, Department of Operational Support, and section 36, Staff assessment

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the revised estimates relating to the Office of the Victims' Rights Advocate under section 1, Overall policymaking, direction and coordination, section 29B, Department of Operational Support, and section 36, Staff assessment (A/73/412). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 2 November 2018.

II. Background

2. The Advisory Committee recalls that, in the four-part strategy contained in his report entitled "Special measures for protection from sexual exploitation and abuse: a new approach" (A/71/818 and A/71/818/Corr.1), the Secretary-General indicated his intention to elevate the voice of victims and put their rights and dignity at the forefront of efforts to combat sexual exploitation and abuse, which would include: (a) the introduction of victims' assistance support functions at Headquarters and field locations, including through the victims' rights advocate functions; (b) the establishment of a system-wide, consolidated confidential repository of case information, building on the existing Misconduct Tracking System developed by the Department of Field Support; (c) a protocol developed by the Secretary-General on preventing sexual exploitation and abuse as part of the mandates and budgets of peacekeeping operations where heightened risk exists, including guidelines on non-fraternization and prohibitions on the consumption of alcohol, as well as

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proposals for the improvement of welfare and living conditions; and (d) a variety of other measures, such as a revision of the terms of reference of the Trust Fund in Support of Victims of Sexual Exploitation and Abuse to permit direct assistance payments to victims to allow them, for example, to attend trials, as well as the establishment of procedures to withhold reimbursements to troop- and police-contributing countries in the event that investigations are not undertaken, reported on and concluded in a timely manner and to transfer the amounts withheld to the Fund.

3. In that report, the Secretary-General indicated that the resource requirements for an Office of the Victims' Rights Advocate with eight positions, as follows: (a) four positions to be funded under the programme budget, comprising one position for a senior human rights expert to serve as the Victims' Rights Advocate, at the Assistant Secretary-General level, heading the office, supported by one position of Human Rights Officer (P-4), one position of Political Affairs Officer (P-3) and one position of Administrative Assistant (General Service (Other level)); and (b) four positions, to be funded under peacekeeping budgets, of Victims' Rights Advocate (P-5), to be located at those peacekeeping missions with the largest number of sexual exploitation and abuse cases, namely, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the United Nations Stabilization Mission in Haiti (MINUSTAH) (now the United Nations Mission for Justice Support in Haiti (MINUJUSTH)) and the United Nations Mission in South Sudan (UNMISS). For the previous budget periods, the Secretary-General proposed to absorb the estimated resource requirements within the resources approved for the programme budget for the biennium 2016–2017 and the peacekeeping missions for the period 2017/18. In its resolution 71/297, the General Assembly welcomed the steps taken to introduce victims' assistance support functions at Headquarters and in the field, and looked forward to future proposals from the Secretary-General in this regard.

4. In his previous report (A/72/373), the Secretary-General proposed to establish the Office of the Victims' Rights Advocate under section 1 of the proposed programme budget for 2018–2019, as part of the Office of the Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse, with four posts (1 Assistant Secretary-General, 1 P-4, 1 P-3 and 1 General Service (Other level)) and non-post requirements, with total resource requirements of $1,326,500 net ($1,431,500 gross). In its related report, the Advisory Committee expressed its view that only limited information had been made available with respect to the staffing requirements of the Office and questioned the appropriateness of the proposed structure and reporting lines of the Office. In view of those concerns, the Committee recommended that the General Assembly request the Secretary-General to indicate in his future proposals an optimal structure for all issues relating to sexual exploitation and abuse and victims' rights. Pending the submission of such proposals, the Committee recommended the temporary establishment of the proposed structure and related posts for the Office of the Victims' Rights Advocate for a period of 12 months (A/72/7/Add.27, paras. 8–16).

5. In its resolution 72/262 A, the General Assembly endorsed the conclusions and recommendations of the Advisory Committee as contained in its report on the revised estimates relating to the Office of the Victims' Rights Advocate (A/72/7/Add.27), and approved the establishment of four positions in the Office (1 Assistant Secretary-General, 1 P-4, 1 P-3 and 1 General Service (Other level)), funded with the application of a 50 per cent vacancy rate, under section 1, for the period from 1 January to 31 December 2018.

III. Revised estimates for the Office of the Victims' Rights Advocate for 2019

Activities of the Victims' Rights Advocate

6. Information on the activities undertaken by the Victims' Rights Advocate since her appointment is provided in paragraphs 12 to 16 of the report of the Secretary-General (A/73/412). As indicated, the Victims' Rights Advocate has, inter alia: (a) consulted extensively with Member States, United Nations system and related entities, civil society and other stakeholders, in the field and in other locations; (b) convened a meeting on relevant mandates that address aspects of sexual exploitation and abuse, including the Special Representatives of the Secretary-General for Children and Armed Conflict, on Sexual Violence in Conflict and on Violence against Children, relevant special procedures mandates of the Human Rights Council and representatives of relevant United Nations entities; and (c) conducted three field visits, to the Central African Republic, to South Sudan and to Haiti.

7. In his report, the Secretary-General also indicates that, building on efforts currently under way in the Central African Republic, the Democratic Republic of the Congo, Haiti and South Sudan, the Victims' Rights Advocate has initiated and is overseeing a system-wide mapping of victim assistance in collaboration with relevant United Nations entities, including in non-mission settings. Upon enquiry, the Advisory Committee was informed that the mapping of services and support had been initiated in eight countries (including the four in which field victims' rights advocates operate) and would serve to identify networks of service providers available on the ground and any gaps or obstacles related thereto, in order to develop recommendations to strengthen the provision of victim support. The Committee was also informed that the Office of the Victims' Rights Advocate was coordinating the mapping, which would be led by the field victims' rights advocates, where they operate, together with relevant conduct and discipline teams and with other United Nations entities. The Committee was also informed that the Victims' Rights Advocate was engaged in the finalization of a draft uniform protocol on the provision of assistance to victims of sexual exploitation and abuse (jointly led by the Department of Field Support and the United Nations Children's Fund). **The Committee notes the progress made to date, and looks forward to receiving an update on the outcome of the mapping exercises.**

8. The Advisory Committee recalls the observations made in its previous report regarding the potential risk of fragmentation in the different work streams relating to the prevention of and response to sexual exploitation and abuse in the field and at Headquarters, in particular with regard to the activities of the Conduct and Discipline Unit at Headquarters and the Conduct and Discipline Teams in peacekeeping missions, which cover prevention of and response to misconduct, including issues relating to sexual exploitation and abuse (A/72/7/Add.27, para. 23). **The Committee stresses the need for close coordination between Headquarters and the field on the above matter.**

Organizational structure

9. In his report, the Secretary-General indicates that, in response to the recommendation of the General Assembly, he is putting forward a revised structure (A/73/412, annex), under which the Victims' Rights Advocate reports directly to the Chef de Cabinet. The revised structure takes into account the necessary linkage between the work of the Office of the Victims' Rights Advocate and that of the Office of the Special Coordinator, which is aimed at ensuring coordination and aligning efforts across the United Nations system in the implementation of the Secretary-

General's strategy for protection from sexual exploitation and abuse. Further information on the role of the Office of the Victim's Rights Advocate and on the activities of the Victims' Rights Advocate since her appointment is provided in paragraphs 10 to 11 of the report.

10. Upon enquiry as to whether the Secretary-General considered the proposed structure to be optimal, the Advisory Committee was informed that the reporting line of the Victims' Rights Advocate to the Chef de Cabinet and, through the latter, to the Secretary-General, appropriately reflected the role of the Victims' Rights Advocate as the centrepiece and cross-cutting element of the Secretary-General's strategy to improve the United Nations response to sexual exploitation and abuse as set out in A/71/818 and A/71/818/Corr.1, thereby ensuring that the rights and dignity of victims were prioritized in all United Nations efforts. The Committee was further informed that the proposed structure clarified the relationship with the Office of the Special Coordinator by ensuring the necessary linkages in areas of work, while highlighting the distinct focus, mandate and independence of the Office of the Victims' Rights Advocate. The Committee was also informed that, in the view of the Secretary-General, the proposed structure appropriately reflected the system-wide advocacy and policy-oriented role of the Victims' Rights Advocate, as well as the current priority focus on undertaking wide-ranging and extensive consultations; providing advocacy and policy advice on integrating and mainstreaming a victim-centred approach to address sexual exploitation and abuse; and conducting an initial assessment through a pilot mapping of available assistance and support for victims in the first two years of the establishment of the new position and Office.

11. **The Advisory Committee notes the proposed changes to the structure and reporting line of the Office of the Victims' Rights Advocate. The Committee stresses the need for continued coordination between the Office of the Special Coordinator and the Office of the Victims' Rights Advocate. The Committee also continues to emphasize the need for further strengthening coordination and harmonization, avoiding fragmentation and ensuring coherence between Headquarters and the field, as well as among United Nations system entities in this area.**

12. The Advisory Committee further recalls that it has frequently stressed the need for comprehensive and updated information on the resources dedicated to the prevention of and response to sexual exploitation and abuse, both within the Secretariat and among the United Nations system entities (see A/72/824, paras. 28–29).

Field victims' rights advocates

13. In his report, the Secretary-General indicates that three dedicated specialized posts of Field Victims' Rights Advocate (P-5) were included in the proposed budgets for 2018/19 for MINUSCA, MINUJUSTH and MONUSCO and were approved by the General Assembly. The Advisory Committee notes that the organization chart presented in the annex to the report of the Secretary-General includes those three posts.

14. The Advisory Committee recalls that, at the time of its consideration of the report of the Secretary-General on special measures for protection from sexual exploitation and abuse (see A/72/751 and A/72/751/Corr.1; and A/72/824, para. 32), it had been informed that field victims' rights advocates had been designated in September 2017 from among existing personnel in the respective peacekeeping missions with the requisite experience and expertise to undertake these functions, in addition to their other responsibilities, as follows: (a) the Chief of the Child Protection Section/Human Rights Division (P-5) at MINUSCA; (b) the Chief, Human Rights Service/Representative of the Office of the High Commissioner for Human Rights

(D-1) at MINUJUSTH; (c) the Chief of Civil Affairs (D-1) at MONUSCO and (d) the Director of Mission Support (D-2) at UNMISS.

15. Upon enquiry, the Advisory Committee was informed that the current designated Field Victims' Rights Advocate at UNMISS continued to perform the following functions, in addition to other responsibilities: (a) participating in the monthly videoconference meeting for field victims' rights advocates; (b) providing monthly reports and other reports, as appropriate, to the Victims' Rights Advocate; (c) working with victims' rights assistants in Juba and all field locations within South Sudan as part of a small core team, as well as with the designated focal point for victims' rights advocacy actions, including in the Human Rights, Protection of Civilians, Relief, Reintegration and Protection, Child Protection and Gender Affairs sections of the Mission; (d) working with the Conduct and Discipline Team and the Office of Internal Oversight Services; and (e) coordinating closely with the United Nations country team and its task force on protection from sexual exploitation and abuse through the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator. The Committee was further informed that the dual reporting line of the designated Field Victims' Rights Advocate at UNMISS to the Special Representative of the Secretary-General for South Sudan and the Victims' Rights Advocate at Headquarters had not changed. **The Committee considers that the arrangements for providing the victim's rights advocate functions at UNMISS should be kept under review and will revert to this matter in the context of its consideration of the 2019/20 budgetary proposals for the Mission. In view of the functions being performed by the designated Advocate at UNMISS, the Committee considers that the organization chart of the Office of the Victims' Rights Advocate, as presented in the annex to the report of the Secretary-General, should be adapted to reflect the existence of four rather than three field victims' rights advocates, with any relevant explanations, as required.**

Cost-sharing

16. The Advisory Committee recalls that, in its previous reports (A/71/867 and A/72/7/Add.27), it had recommended that consideration should be given to the application of a cost-sharing formula for apportioning the costs of the Office of the Victims' Rights Advocate and the Office of the Special Coordinator among different funding sources. In his report, the Secretary-General indicates that he is exploring cost-sharing arrangements for the Office through consultations with a number of United Nations entities, given the importance of ensuring the integration of a victim-centred approach into the Organization's efforts to address this issue (A/73/412, para. 8). The Committee looks forward to receiving an update information on this matter in the Secretary-General's next report.

Trust Fund in Support of Victims of Sexual Exploitation and Abuse

17. With regard to the Trust Fund in Support of Victims of Sexual Exploitation and Abuse (see A/72/7/Add.27, para. 24), the Advisory Committee was informed, upon enquiry, that the Controller had designated the Department of Field Support as the implementing office and the Conduct and Discipline Unit as the programme manager of the Fund. The Committee was further informed that the terms of reference of the Fund stipulated that it had been established to support services for victims of sexual exploitation and abuse by United Nations and related personnel. As of December 2018, the Fund had received some $2 million, which included voluntary contributions from 19 Member States, and had withheld payments from uniformed personnel for substantiated allegations of sexual exploitation and abuse. The Committee was further informed that six projects had been approved by an internal review committee, chaired by the Assistant Secretary-General for Field Support and with membership that

included the Victims' Rights Advocate, representatives of offices of the Secretariat and agencies, funds and programmes at the Assistant Secretary-General level and heads of mission. The approved projects included the provision of medical, psychosocial, vocational and livelihood support and are already under way in the Democratic Republic of the Congo, the Central African Republic and Liberia. **The Committee encourages the Secretary-General to continue to pursue efforts to raise funds for the Trust Fund in Support of Victims of Sexual Exploitation and Abuse.**

Resource requirements

18. The Secretary-General is requesting the General Assembly to approve resources in the amount of $836,100 net ($930,200 gross) for 2019, comprising $772,500 for the Office of the Victims' Rights Advocate under section 1 and $63,600 under section 29B, to cover general operating costs, including the rental of premises related to the four posts of the Office. A breakdown of the proposed resource requirements by object of expenditure is provided in tables 4 and 5 of the report of the Secretary-General. As indicated, the total amount of $772,500 proposed for the Office of the Victim's Rights Advocate comprises: (a) $706,800 under posts to provide for the conversion of four positions into established posts (1 Assistant Secretary-General, 1 P-4, 1 P-3 and 1 General Service (Other level)); (b) $53,400 under official travel; (c) $8,500 under contractual services to cover the standard cost of service-level agreements for maintenance support services; (d) $1,800 under general operating expenses, including requirements for communications services; and (e) $2,000 under supplies and materials, including requirements for stationery and office supplies.

19. Upon enquiry, the Advisory Committee was provided with the following table, summarizing the resources provided for the Office in 2018, expenditures incurred as at 30 September 2018 and proposed resources for 2019:

(Thousands of United States dollars)

		Secretary-General's proposal for 2018–2019	*Initial appropriation for 2018*[a]	*Expenditure as at 30 September 2018*	*Available balance for 2018*	*Secretary-General's proposal for 2019*
Section 1	Posts	796.9	–	–	–	706.8
	Other staff costs	–	391.9	520.9	(129.0)	–
	Travel of staff	103.4	88.0	59.1	28.9	53.4
	Contractual services	16.8	8.5	0.3	8.2	8.5
	General operating expenses	5.1	3.3	1.6	1.7	1.8
	Supplies and materials	4.0	2.0	1.1	0.9	2.0
	Furniture and equipment	7.5	7.5	–	7.5	–
Subtotal		**933.7**	**501.2**	**583.0**	**(81.8)**	**772.5**
Section 29D	General operating expenses	336.7	63.6	63.6	–	–
	Furniture and equipment	56.1	44.9	44.9	–	–
Subtotal		**392.8**	**108.5**	**108.5**	**–**	**–**
Section 29B	General operating expenses	–	–	–	–	63.6
Subtotal		**–**	**–**	**–**	**–**	**63.6**
Total		**1 326.5**	**609.7**	**691.5**	**(81.8)**	**836.1**

[a] Approved by General Assembly resolution 72/262 A. Resources were approved for the period 1 January to 31 December 2018.

20. With regard to the proposed resources for the conversion of posts, the Advisory Committee recalls that the General Assembly had approved the establishment of four positions in the Office of the Victims' Rights Advocate (1 Assistant Secretary-General, 1 P-4, 1 P-3 and 1 General Service (Other level)) for the period from 1 January to 31 December 2018, funded on the basis of a vacancy rate of 50 per cent applicable to new posts and positions ($391,900). In 2019, the Secretary-General is proposing the conversion of those same positions (1 Assistant Secretary-General, 1 P-4, 1 P-3, and 1 General Service (Other level)) to posts, funded on the basis of the vacancy rates applicable to continuing posts, namely 11.5 per cent for posts in the Professional and higher categories and 8.7 per cent for the General Service category ($706,800).

21. The Advisory Committee was further informed that the proposed requirements for general operating expenses for 2019 under the new section 29B, Department of Operational Support ($63,600), had been previously requested and approved in 2018, under section 29D, Office of Central Support Services.

22. Upon enquiry, the Advisory Committee was informed that all four positions in the Office of the Victims' Rights Advocate (1 Assistant Secretary-General, 1 P-4, 1 P-3 and 1 General Service (Other level)) were encumbered. With regard to the three new positions for Field Victims' Rights Advocates approved by the General Assembly for MINUJUSTH (resolution 72/260 B), MINUSCA (resolution 72/290) and MONUSCO (resolution 72/293), the Committee was informed that the job classifications for these new positions had been completed and the relevant job openings had been created.

IV. Conclusions

23. The actions requested of the General Assembly are set out in paragraph 25 of the report of the Secretary-General. **Subject to its comments and recommendations in the paragraphs above, the Advisory Committee recommends that the General Assembly:**

(a) **Approve the additional resources proposed in the amount of $836,100 (net of staff assessment);**

(b) **Approve the conversion of the four positions to posts, comprising one Assistant Secretary-General, one P-4, one P-3 and one General Service (Other level), under section 1, Overall policymaking, direction and coordination;**

(c) **Appropriate an additional amount of $836,100 (net of staff assessment) under section 1, Overall policymaking, direction and coordination ($772,500), and section 29B, Department of Operational Support ($63,600), of the programme budget for the biennium 2018–2019, which would represent a charge against the contingency fund;**

(d) **Appropriate an additional amount of $94,100 under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment, of the programme budget for the biennium 2018–2019.**